

## Message Text

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ACTION L-03

INFO OCT-01 IO-10 ISO-00 AF-06 ARA-10 EA-09 EUR-12 NEA-10

CIAE-00 DODE-00 PM-04 H-02 INR-07 NSAE-00 NSC-05

PA-02 PRS-01 SP-02 SS-15 USIA-15 AID-05 COME-00 EB-07

FRB-01 TRSE-00 XMB-04 OPIC-06 CIEP-02 LAB-04 SIL-01

OMB-01 SAM-01 SAJ-01 /147 W  
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R 032223Z OCT 75

FM USMISSION USUN NEW YORK

TO SECSTATE WASHDC 2567

INFO USMISSION GENEVA

UNCLAS USUN 4738

E.O. 11652: N/A

TAGS: UN, PFOR, EINV

SUBJECT: UNGA LEGAL COMITE: REPORT OF UNCITRAL

SUMMARY. LEGAL COMITE MET OCT 1 - 3 AND HEARD FOLLOWING  
SPEAKERS ON UNCITRAL REPORT: FINLAND, BELGIUM, HUNGARY, FRG,  
BULGARIA, BYELORUSSIA, AUSTRIA, GDR, UK, GHANA AND KUWAIT.  
END SUMMARY.

1. FINNISH DEL (MANNER) APPLAUDED UNCITRAL WORK ON CONVEN-  
TION ON INTERNATIONAL SALE OF GOODS, STATED FINNISH GOVERN-  
MENT PLANS TO TAKE UNCITRAL WORK INTO ACCOUNT IN PREPARING  
NEW NATIONAL LEGISLATION ON SUBJECT. MANNER SUGGESTED OTHER  
NATIONAL LEGISLATIONS MIGHT BE BROUGHT INTO HARMONY WITH  
FINAL TEXT. HE SAID TOO LITTLE TIME HAD BEEN ALLOTTED BY  
UNCITRAL TO DEAL WITH DRAFT RULES ON COMMERCIAL ARBITRATION,  
AND HAD DOUBTS THAT IT WAS DESIRABLE TO ESTABLISH SPECIAL  
RULES FOR ADMINISTERED ARBITRATION. HE PRAISED UNCITRAL'S  
PROGRAM OF TRAINING AND ASSISTANCE IN INTERNATIONAL LAW  
AS CONDUCIVE TO UNIFICATION OF INTERNATIONAL TRADE LAW.

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2. BELGIAN DEL (VAN BRUSSELEN) STATED DRAFT RULES ON

COMMERCIAL ARBITRATION SHOULD NOT APPLY TO ADMINISTERED ARBITRATION, SINCE SUCH INSTITUTIONS HAVE THEIR RULES ALREADY (FRG SHARED THIS VIEW). HE ALSO CONSIDERED UNCITRAL TEXT (ARTICLE 6) ON SELECTION OF ARBITERS TOO COMPLICATED AND UNWIELDY, AND TO SIMPLIFY MATTERS GREATER AUTHORITY IN SUCH SELECTION SHOULD BE GIVEN TO THE AUTHORITIES OF THE LOCUS OF ARBITRATION. ALSO, ARTICLE 31(1)(A) SHOULD BE REVISED SO AS NOT TO GIVE ARBITERS UNQUALIFIED ABILITY FIX THEIR OWN FEES. HE REPORTED BELGIUM RATIFIED NEW YORK CONVENTION ON ARBITRAL AWARDS AND WILL SOON RATIFY THE GENEVA CONVENTION ON COMMERCIAL ARBITRATION.

3. BULGARIAN DEL FOUND WORK OF UNCITRAL CONDUCIVE TO DEVELOPMENT OF INTERNTIONAL RELATIONS, COOPERATION BETWEEN STATES OF DIFFERENT SOCIAL SYSTEMS AND LESSENING OF INTERNATIONAL TENSIONS. HE SINGLED OUTUNCITRAL WORK ON COMMERCIAL ARBITRATION AS "EXCEPTIONALLY IMPORTANT" FOR INTERNATIONAL RELATIONS, SINCE IT COULD CREATE CONDITIONS CONDUCIVE TO ENCOURAGING STATES OF DIFFERENT SOCIAL SYSTEMS TO RESORT TO PEACEFUL, THE PARTY DISPUTE SETTLEMENT. HE ADDED THAT UNCITRAL WOULD GAIN FROM CONSULTATIONS WITH REGIONAL ORGANIZATIONS, AND INDICATED THE COUNCIL ON MUTUAL ECONOMIC ASSISTANCE (CEMA) AS ONE SUCH ORGANIZATION.

4. BYELORUSSIAN AND GDR DELS REPEATED BASIC THRUST OF BULGARIAN STATEMENT, BUT, IN ADDITION, EACH REFERRED TO MULTINATIONAL ENTERPRISES (MNES) IN DEROGATORY MANNER. BYELORUSSIA STATED MNES ARE TRANSNATIONAL CAPITALIST MONOPOLIES WHICH POSE A THREAT TO SOVEREIGNTY AND NATIONAL DEVELOPMENT WHERE THEY OPERATE. GDR DEL STATED THAT MNES HAVE BEEN INTERVENING IN INTERNAL AFFAIRS OF STATES IN WHICH THEY OPERATE.

5. AUSTRIAN DEL REPORTED THAT AN ARBITRATION BODY HAS BEEN ESTABLISHED RECENTLY IN VIENNA, AND THAT THE COMMERCIAL BANK OF AUSTRIA HAS OFFERED 2 FELLOWSHIPS UNDER THE UNCITRAL TRAINING PROGRAM. HE ALSO DREW DELS ATTENTION TO GA RES 3350 (XXIX) REGARDING USE OF VIENNA IN HOLDING UN ACTIVITIES, AND WELCOMED THE POSSIBILITY OF VIENNA

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MEETING FOR UNCITRAL.

6. UK DEL (STEEL) TOOK ISSUE WITH THOSE WHO CRITICIZED UNCITRAL ON ITS APPARENT SLOW PACE OF WORK. STEEL STATED UNCITRAL SUBJECT MATTER IS COMPLEX AND DOES NOT ALLOW FOR SPEEDY RESULTS.  
BENNETT

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